

DESIGNATIONS OF DEPOSITION TESTIMONY OF WILLIAMS O. AJEWOLE
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition December 14, 2005

Plaintiffs' Designations	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
ALL	Plaintiffs object to this deposition being read and request the videotape be played.				
4:14-16					
12:4-6					
12:13-18					
16:15-21					
18:1-9					
18:25 – 19:5					
19:24 – 20:6					
	<i>167:23-168:25</i>	Testimony should appear in proper order.			
21:12-23					

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22:10-12					
22:23-23:16					
25:3-5					
25:13-26:24					
35:23-37:9					
37:15-37:18 37:24-38:12	Exhibit 2706 (Letter from Nigerian Police re: reapplication and autopsy reports for Joli Adehin and Arolika Omoseibe) and testimony about exhibit contain inadmissible hearsay based on reports from third parties. FRE 802. Report contains opinions regarding range of fire which was excluded by	Dr. Ajewole testified about his preparation of this autopsy report. To the extent that the autopsy report contains certain background information, such as name of deceased, that information was provided to Dr. Ajewole so that he could perform these autopsies. FRE 803(4) and (6). Dr. Ajewole also is			

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	<p>the Court's ruling on Defs.' Motion in Limine No. 8 (Dkt. #2001). The phrase "mid-range" (which describes the alleged range of fire) must be redacted from both Omoseibe's and Adehin's reports to conform with the Court's order. The autopsy reports are not properly authenticated. FRE 902 (3), (12).</p> <p>Information in the exhibit is not subject to the exception for business records because the requisite foundation was not laid. Information in the exhibit is not subject to the hearsay exception for medical statements for purposes of diagnosis or treatment because the rule contemplates a patient-</p>	<p>qualified to opine about all matters contained in these autopsy reports. FRE 701-702. While the court has granted Defendants' motion in limine regarding Dr. Ajewole's testimony it did so only insofar as his testimony contains opinions about the distance of the shooters. Defendants' objections to other aspects of the autopsy report were overruled by the court.</p> <p>Plaintiffs agree to redact this exhibit so that the information about the range of the shots is omitted</p>	OK		

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	doctor exchange; the decedents were incapable of providing any statements; and the information provided was not necessary to either diagnosis or treatment – which does not have any clear application in the post-mortem exam context.				
39:14-24	170:14-171:12: Defendants are not objecting to the testimony regarding Adehin and thus plaintiffs' objection to lines 171:8-12 should be disregarded. In addition, plaintiffs have designated testimony about Exhibit 2706 which contains the Adehin report and the same evidence (see 37:15-	Not relevant. FRE 401. The testimony should also appear in its proper order in the transcript. <i>ajf</i>	<i>OK</i>		

170:14-171:12: Defendants are not objecting to the testimony regarding Adehin and thus plaintiffs' objection to lines 171:8-12 should be disregarded. In addition, plaintiffs have designated testimony about Exhibit 2706 which contains the Adehin report and the same evidence (see 37:15-


Not relevant. FRE 401. The testimony should also appear in its proper order in the transcript.
 As the court has at this point ruled the autopsy report concerning Joli should be excluded, Plaintiffs move to strike 171:8-12.
ajf

OK


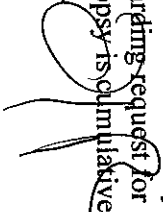
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40:2-11	Inadmissible hearsay based on note from unknown third party, purportedly stating the bodies were found floating in the water and that bodies should be taken for preservation. The note is from an unknown third party as is the information in the note. FRE 802. Ajewole lacks personal knowledge regarding the note and its contents. FRE 602. Testimony violates the best evidence rule. FRE 1002.	The objection does not really pertain to 40:2-7. As for 40:8-11, that information was provided to Dr. Ajewole so that he could perform these autopsies. FRE 803(4) and (6).			
	38:12).				
	183:4-9	This designation should also include 182:23-183:3 and it should appear in its proper order in the transcript.	OK		

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43:21-25					
47:3-6					
	<i>44:15-46:7</i>				
	<i>153:8-154:9</i>	This designation should appear in its proper order in the transcript.			
47:16-48:1					
52:23-53:25	53:10-22: Inadmissible opinion evidence. Deponent is not qualified to opine as to cause of death and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. Ajewole simply claims to "have made up my mind that this was the cause of death	As to 53:10-22, Dr. Ajewole is qualified to opine about the cause of death. FRE 701-702. His testimony is, of course, highly relevant to the issues in this lawsuit.			

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	within the one month that the body had been lying there." These objections are being asserted to preserve them though the Court has previously ruled on defendants' motion in limine regarding this issue. Unduly prejudicial and would confuse the jury. FRE 403.				
	<i>154:23-155:6</i>	This designation should appear in its proper order in the transcript. 			
54:10-54:24 55:7-9 56:1-3	54:10-16: Testimony regarding request for autopsy is cumulative. FRE 403 	As to 54:10-54:16, testimony that examination was not done at the request of family member is not cumulative. As to 54:21-55:9, Dr. Ajewole is qualified to			

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56:12-56:14 56:18-57:15		opine about the number of bullet wounds in the body. FRE 701-702. Such testimony also is highly relevant to issues in the lawsuit.			
	57:21-58:15				
58:23-59:17					
61:15-23					
65:3-6 65:11-68:10	65:3-6; 65:11-67:15: Inadmissible opinion evidence that decedent was shot at an angle based on poking scissors into the body and there is no basis for or accepted	With regard to both 65:3-67:15 and 67:17-68:10, Dr. Ajewole is speaking from personal knowledge to the extent that he is recounting his own observations. Dr. Ajewole also is qualified to			

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	methodology underlying the opinion. FRE 701-702. These objections are being asserted to preserve them though the Court has previously ruled on defendants' motion in limine regarding this issue. Unfairly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.	opine about these issues, such as the angle of the shot and the cause of death. FRE 701-702. All this testimony is highly relevant to issues in the lawsuit. Moreover to the extent Defendants' motion in limine addressed these opinions it was overruled.			
	67:17-68:10: Inadmissible opinion evidence as to cause of death. Deponent is not qualified to opine as to cause of death and there is no basis for or accepted methodology underlying the opinion. FRE 701, 702. These objections are being asserted to preserve them				

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	though the Court has previously ruled on defendants' motion in limine regarding this issue. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.				
	<i>173-8-175:19</i>	This designation should appear in its proper order in the transcript.			
	68:12-25: Motion to strike was not made at the time and the answer given is in response to the question. This counter-designation is being asserted to preserve it though the Court has previously ruled on defendants' motion in	68:12-18: Move to strike everything as non-responsive to the question asked; the testimony is also speculative and lacks foundation; improper expert opinion, danger of unfair prejudice, confusion or misleading jury. Court previously granted it's			

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	limine regarding this issue.	<p>68:23-25: Move to strike everything after the testimony "I would not say the charms killed him" as non-responsive to the question asked. The testimony is also speculative and lacks foundation; improper expert opinion; danger of unfair prejudice, confusion or misleading jury. Court previously granted it's motion in limine no.3 re: opinions by Dr. Ajewole. Re: meaning of charms, Juju or witchcraft.</p>			
69:12-70:20	69:12-70:6: Testimony based on inadmissible	As to 69:12-70:6, the information about the bodies			

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	<p>hearsay reports of third party. FRE 802. Inadmissible opinion evidence. Deponent is not qualified to opine as to whether decedent had drowned and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. These objections are being asserted to preserve them though the Court has previously ruled on defendants' motion in limine regarding this issue. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.</p>	<p>being submerged was provided to Dr. Ajewole so that he could perform these autopsies. FRE 803(4) and (6). To the extent that Dr. Ajewole is recounting his own observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine about such issues as whether cause of death was drowning. FRE 701-702. This testimony is highly relevant to issues in the lawsuit. Moreover to the extent Defendants' motion in limine addressed these opinions it was overruled.</p>			
	<p>70:7-20: Testimony regarding what would</p>	<p>As to 70:7-20, Dr. Ajewole is speaking from personal</p>			

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71:12-72:1	<p>would have looked like if decedent had been shot within one meter by a rifle is excluded by the Court's ruling on Defendants' Motion in Limine No. 8 because it is testimony about the range of shooting. Deponent is not qualified to offer opinion on incomplete hypothetical regarding shotgun shot within one meter and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.</p>	<p>knowledge to the extent that he is recounting his own observations. Dr. Ajewole also is qualified to opine about such issues as what would be the wounds from a rifle shot within one meter of a person's chest. FRE 701-702. This testimony is highly relevant to issues in the lawsuit. Moreover to the extent Defendants' motion in limine addressed these opinions it was overruled.</p>			

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72:3-7 72:11-20	wound would have looked like if decedent had been shot within one meter by a shotgun and appearance of exit wounds is excluded by the Court's ruling on Defendants' Motion in Limine No. 8 because it is testimony about the range of shooting. Dependent is not qualified to opine on incomplete hypothetical regarding rifle shot within one meter and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. Unduly prejudicial and would confuse the jury. FRE 401-403. Dependent lacks personal knowledge. FRE 602.	Ajewole is recounting his own personal observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine about such issues as what would be the wounds from a rifle shot within one meter of a person's chest. FRE 701-702. This testimony is highly relevant to issues in the lawsuit. Moreover to the extent Defendants' motion in limine addressed these opinions it was overruled.			

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73:25-74:21 74:25-76:14	73:25-76:14: Reference to Exhibit 2706 is objectionable as set forth in the objections to 37:15-38:12, <i>supra</i> . 73:25-74:5; 74:13-18: Testimony about date of death and name of deceased is inadmissible hearsay from third party. FRE 802. It is not subject to the business records exception because no foundation is laid. It is not subject to the hearsay exception for medical statements for purposes of diagnosis or treatment because the rule contemplates a patient-doctor exchange; the decedents were incapable of providing any statements;	As to 73:1-76:14, the references to Exhibit 2706 are <u>not</u> objectionable for the reasons set forth above. As to 73:25-74:5 and 74:13-18, that information was given to Dr. Ajewole for purposes of a medical diagnosis and fall within exceptions to the hearsay rule. FRE 803(4) and (6). As for 76:1-14, Dr. Ajewole is speaking from personal knowledge to the extent that he is recounting his own personal observations. Dr. Ajewole also is qualified to opine about such issues as whether the wounds were caused by a shotgun. FRE 701-702. This testimony is highly relevant to issues in			

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	and the information provided was not necessary to either diagnosis or treatment – which does not have any clear application in the post-mortem exam context. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.	the lawsuit. Moreover to the extent Defendants' motion in limine addressed these opinions it was overruled. Plaintiffs agree to redact this exhibit so that the information about the range of the shots is omitted.			
	<i>145:23-146:24: As to the counter-designation of 146:14-24, it is being asserted to preserve it though the Court has previously ruled on defendants' motion in limine regarding this issue.</i>	<i>146:14-24: Testimony is speculative and lacks foundation; hearsay; improper expert opinion; danger of unfair prejudice, confusion, or misleading jury; irrelevant. The court has previously granted Plaintiffs' motion in limine no. 3 re: any opinions by Dr.</i>			

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	147:4-150:11 Testimony relates to percipient observations of clothing/other items found on decedent's body.	149:5-25: danger of unfair prejudice, confusion or misleading jury <i>[Signature]</i>			
76:22-80:17					
81:21-82:11					
82:24-83:19	Inadmissible opinion evidence. Deponent is not qualified to opine whether drowning was a cause of death and there is no basis for accepted methodology underlying the opinion. FRE 701-702. These objections are being asserted to preserve them	To the extent that Dr. Ajewole is recounting his personal observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine about such issues as whether drowning was the cause of death. FRE 701-702. In general, this testimony is			

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	<p>though the Court has previously ruled on defendants' motion in limine regarding this issue. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.</p> <p>83:3-4: Ajewole's testimony that "they mentioned water" is based on inadmissible hearsay report of a third party. FRE 802.</p>	<p>highly relevant to issues in the lawsuit. Moreover to the extent Defendants' motion in limine addressed these opinions it was overruled.</p>			
83:23-86:2	<p>Reference to Exhibit 2706 is objectionable as set forth in the objections to 37:15-38:12, <i>supra</i>. 85:1-4; 85:12-19: Deponent's listing of decedent's name and</p>	<p>Reference to Exhibit 2706 is <u>not</u> objectionable for the reasons set forth above at 37:15-38:12. With regard to 85:1-4 and 12:19, those statements had been made for purposes of a</p>			

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probable date of death in report is inadmissible hearsay because it was reported by a third party. FRE 802. Information is not subject to the hearsay exception for medical statements for purposes of diagnosis or treatment because the rule contemplates a patient-doctor exchange; the decedents were incapable of providing any statements; and the information provided was not necessary to either diagnosis or treatment – which does not have any clear application in the post-mortem exam context.	medical diagnosis and fall within exceptions to the hearsay rule. FRE 803(4) and (6). Plaintiffs agree to redact this exhibit so that the information about the range of the shots is omitted.	OK			
86:25-87:3	Reference to Exhibit 2706 is	Reference to Exhibit 2706 is			

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	objectionable as set forth in the objections to 37:15-38:12, <i>supra</i> .	not objectionable for the reasons set forth above at 37:15-38:12. Plaintiffs agree to redact this exhibit so that the information about the range of the shots is omitted.			
	92:7-21	This designation should appear in its proper order in the transcript.	OK		
92:22-93:8					
122:11-19	Testimony regarding alleged diameter of wounds is irrelevant because information only used to calculate the alleged range of shooter, and the Court's ruling on Defendants' Motion in <i>Linnine</i> No. 8 has excluded that testimony.				

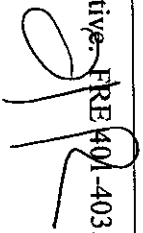
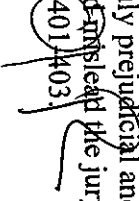
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	Testimony would also mislead the jury and be unduly prejudicial. FRE 401-403.				
	122:20-126:3 <i>Exhibit 2711</i> : No danger that jury will be mislead. Ajewole testifies that he has experience making anatomical drawings. Drawing is based on his observations.	122:20-123:1 and Exhibit 2714: danger of unfair prejudice, confusion or misleading jury			
127:13-20	Incomplete designation should include full answer to question 127:21-128:1. FRE 106.	It is a complete designation.			
	127:21-128:1				
	133:4-16	This testimony should appear in its proper order in	OK		


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		the transcript.			
	<i>124:16-22</i>				
150:15-24					
	<i>150:25-151:2</i>				
	<i>166:16-167:3</i>	This testimony should appear in its proper order in the transcript.	<i>OK</i>		
	<i>152:21-153:2</i>				
155:9-11	Testimony regarding alleged diameter of wounds is irrelevant because information only used to				

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	calculate the alleged range of shooter, and the Court's ruling on Defendants' Motion in Limine No. 8 has excluded that testimony. Testimony would also mislead the jury and be unduly prejudicial. FRE 401-403.				
	158:23-159:4 Testimony is not cumulative because testimony regarding failure of Ajewole to x-ray the bodies has not previously been designated.	Cumulative. FRE 401-403. 			
159:5-22	Unduly prejudicial and would mislead the jury. FRE 401-403. 	Dr. Ajewole describes his actual observations in response to questions from defense counsel. Probative value outweighs any arguable prejudice. FRE			

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	<i>160:22-25</i>	401-403.			
	<i>161:20-162:2 (beginning with "Have you")</i> Testimony regarding whether Ajewole had performed tissue analysis is relevant and proper cross-examination regarding his opinions and conclusions about tissue he fished out from decedents with his scissors.	Not relevant, FRE 401. 			
<i>162:18-23</i>	Deponent is not qualified to opine as to cause of death and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. This	To the extent that Dr. Ajewole is recounting his personal observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine			

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	objection is being asserted to preserve it though the Court has previously ruled on defendants' motion in limine regarding this issue.	that both men had been shot with shotgun pellets. FRE 701-702. While the court has, granted Defendants' motion in limine regarding Dr. Ajewole's testimony it did so only insofar as his testimony contains opinions about the distance of the shooters. This testimony is highly relevant to the issues in the lawsuit.			
163:13-164:17 (beginning with the word "did")					
	<i>164:18-20</i>				
176:24-25	The designated testimony is an unintelligible sentence fragment. Plaintiffs have withdrawn their designation.				

DESIGNATIONS OF DEPOSITION TESTIMONY OF WILLIAMS O. AJEWOLE
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition December 14, 2005

Plaintiffs' Designations	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	as to remainder of the sentence and have agreed not to seek to introduce the corpse photos. Furthermore, the photographs of corpses and testimony regarding same would be unduly prejudicial. FRE 403. The photographs of the corpses and related email were excluded by the Court's ruling on Defendants' Motion in Limine No. 4 (Dkt. #2001).				
179:19-180:21	Photographs of corpses and testimony regarding same would be unduly prejudicial. FRE 403. The photographs of the corpses and related email were excluded by the Court's	To the extent that Dr. Ajewole is recounting his personal observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine as to whether there is evidence			

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	<p>ruling on Defendants' Motion in Limine No. 4 (Dkt. #2001).</p> <p>Inadmissible opinion testimony. Deponent is not qualified to opine whether there were burns or "active charring" on the body. FRE 701-702. These objections are being asserted to preserve them through the Court has previously ruled on defendants' motion in limine regarding this issue. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent has no personal knowledge. FRE 602.</p>	<p>of burns or active charring. FRE 701-702. While the court has granted Defendants' motion in limine regarding Dr. Ajewole's testimony it did so only insofar as his testimony contains opinions about the distance of the shooters. This testimony is highly relevant to the issues in the lawsuit.</p>			
	180:22-24				
180:25-181:24	Testimony regarding	To the extent that Dr.			

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	<p>difference in appearance of skin for contact wounds and near discharge wounds is testimony related to the range of firing which is excluded by the Court's ruling on Defendants' Motion in Limine No. 8. Inadmissible opinion evidence regarding differences between contact wounds and discharge wounds and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.</p>	<p>Ajewole is recounting his percipient observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine about differences between contact wounds and discharge wounds. FRE 701-702. Defendants objected to a specific procedure Dr. Ajewole used to estimate the distance of the shooters, Dkt. 1920, 9:7-11:10. The Court has granted Defendants' motion, but only insofar as his testimony contains opinions about the distance of the shooters. Dkt. 2001, 5:1-3. The court rejected Defendants' more general contention that Dr. Ajewole's methods do not</p>			

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		conform with scientific standards. As long as the testimony is confined to a characterization of the wounds rather than a judgment as to the distance of the shooters, it is admissible. This testimony is highly relevant to plaintiffs' claims.			
184:2-23					
185:13-18	Testimony regarding whether he found evidence of contact wounds or near discharge wounds is testimony related to the range of firing which is excluded by the Court's ruling on Defendants' Motion in Limine No. 8. Inadmissible opinion evidence as to distance at	To the extent that Dr. Ajewole is recounting his percipient observations, he is speaking from personal knowledge. Dr. Ajewole also is qualified to opine about differences between contact wounds and discharge wounds. FRE 701-702. Defendants objected to a specific			

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	<p>which the wounds were allegedly inflicted and there is no basis for or accepted methodology underlying the opinion. FRE 701-702. Unduly prejudicial and would confuse the jury. FRE 401-403. Deponent lacks personal knowledge. FRE 602.</p>	<p>procedure Dr. Ajewole used to estimate the distance of the shooters, Dkt. 1920, 9:7-11:10. The Court has granted Defendants' motion, but only insofar as his testimony contains opinions about the distance of the shooters. Dkt. 2001, 5:1-3. The court rejected Defendants' more general contention that Dr. Ajewole's methods do not conform with scientific standards. As long as the testimony is confined to a characterization of the wounds rather than a judgment as to the distance of the shooters, it is admissible. This testimony is highly relevant to plaintiffs' claims.</p>			

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	182:12-14	This testimony should appear in its proper order in the transcript.	OK		